

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C.: 5/12/04 Item :3.e

File Number
C 04-019

Application Type
Planning Director Initiated Conventional Rezoning

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
259-45-029-031, 043-062, 070-072, 074-077, 080,
095. 259-48-018, 019, 023-029, 046, 048-050, 063.

PROJECT DESCRIPTION: Conventional Rezoning of properties
from LI Light Industrial Zoning District to R-2 Two-Family
Residence Zoning District to allow residential uses.

Completed by: Patrice Shaffer

Location: Generally bounded by Park Avenue, West San Fernando Street, Los Gatos Creek, Delmas Avenue and State
Route 87.

Gross Acreage: 6.7

Net Acreage: 6.7

Net Density: N/A

Existing Zoning: LI Light Industrial

Existing Use: Single family, duplex, multi-family, commercial and light
industrial

Proposed Zoning: R-2 Two Family
Residence

Proposed Use: No change

GENERAL PLAN

Completed by: PS

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: PS

North: San Jose Water Company offices and parking lots

A(PD) Planned Development

East: Parkside Condominiums and State Route 87

A(PD) Planned Development

South: Auto repair and sales, commercial retail and offices, single
and multi-family residential

A (PD) Planned Development, CP, CN, CG LI and
R-2

West: Commercial retail and offices, florist warehouse, and meat
production

CN, CG and LI

ENVIRONMENTAL STATUS

Completed by: PS

☒ Environmental Impact Report found complete (GP 2020 EIR certified 8-16-94)

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: Patrice Shaffer

Annexation Title: Original City, Gardiner # 1

Date: September 9, 1850 & March 16, 1911

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

<input checked="" type="checkbox"/> Approval	Date: _____	Approved by: _____
<input type="checkbox"/> Approval with Conditions		<input type="checkbox"/> Action
<input type="checkbox"/> Denial		<input type="checkbox"/> Recommendation

APPLICANT	OWNER	DEVELOPER
City of San Jose	Various	N/A

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: PS

Department of Public Works

None Received.

Other Departments and Agencies

Airport Department-The subject rezoning is located on the margin of the projected 65 dB CNEL noise impact area of San Jose International Airport as well as within the ALUC referral area. Therefore, pursuant to General Plan and ALUC policy, conditions of development approval should require dedication of an Aviation Easement to the City prior to issuance of building permits for development. Design of any future development should also ensure that sufficient noise attenuation features are included to meet State interior noise standards.

Fire Department-The subject rezoning shall comply with comments from the Building/Fire Departments at the plan review stage. The site flow may be as high as 4,500 GPM.

Santa Clara Valley Water District-The homes along Gifford back up to Los Gatos Creek, and in the future work done at these sites may require a District permit.

GENERAL CORRESPONDENCE

Letter received from the Delmas Park Neighborhood Advisory Committee dated April 28, 2004 (attached).

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The subject project is a City-initiated, conventional rezoning from the LI Light Industrial Zoning District to the R-2 Two Family Residence Zoning District on a 6.7 gross-acre site area. The project site is located within the *Delmas Park Strong Neighborhoods Initiative (SNI) Planning Area*. The rezoning area is located generally between West San Fernando Street to the north, State Route 87 to the east, Lakehouse Street and Park Avenue to the south and Los Gatos Creek to the west and includes the



Well-maintained Victorians in the Lakehouse area

potentially historically significant Lakehouse residential district. (See Map 1). It should be noted that a separate zoning change (C04-03-020) has been initiated concurrently by the City to rezone portions of the Delmas Park area south of West San Carlos Street. (See Map 2).

The Planning Commission endorsed, and the City Council approved, the *Delmas Park Strong Neighborhoods Initiative Plan* in 2003. The *Plan* established as its "Top Ten" Priority Action Item # 3 that the City should modify the General Plan land use and zoning designations for specific portions of the *Plan* area to represent the community's preferred land uses and vision

for their area. While the *Plan* supports and encourages redevelopment of large portions of the *Plan* area to new high and very high density housing, neighborhood commercial, and mixed uses, a key community objective in the *SNI Plan* is the long term protection of the existing "single-family"



City Landmark Irene Dalis House

residential neighborhood pockets. The subject area is one of those single family pockets identified for protection in the *Plan*. Although the subject area is currently zoned for light industrial uses, it consists primarily of single family homes, together with a few duplexes, apartment buildings and commercial uses (See Map 2).

To further the objectives and recommendation of the *Delmas Park SNI Plan*, and to encourage the preservation of this residential enclave, the General Plan land use designation for the subject area was changed in August 2003, from Residential Support for the Core Area (25+ Dwelling Units per Acre (DU/AC)) to Medium Density Residential (8-16 DU/AC).

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final Environmental Impact Report entitled "San Jose 2020 General Plan," and certified on August 16, 1994, by City Council Resolution No. 65459.

GENERAL PLAN CONFORMANCE

The *San Jose 2020 General Plan* Land Use/Transportation Diagram designation for the subject rezoning area is Medium Density Residential (8-16 DU/AC). (See Map 3). The proposed R-2 Two Family Residence Zoning District is consistent with this designation.

ANALYSIS

The proposed rezoning will achieve two goals for the subject area: (1) improved consistency with the *San José 2020 General Plan*; and (2) implementation of the *Delmas Park SNI Neighborhood Improvement Plan's* goals and objectives and its "Top Ten" Priority Action Item # 3.

The subject area's current General Plan Designation, Medium Density Residential (8 – 16 DU/Acre), is intended to promote single and two family residential development and is typically implemented through the R-2 Two-Family Residence District. The subject area is also predominantly developed with single-family residences and has the character of a single-family neighborhood. The subject properties are currently zoned with the LI Light Industrial designation, which is not consistent with the underlying residential General Plan land use designation.



Village at Museum Park (between Park Avenue and West San Carlos Street): Residential development at 35 DU/AC consisting of 117 multi-family residential units including live-work spaces.

Inconsistency between General Plan and Zoning can send a mixed message to property owners and developers about the development potential for a given property and can act as a barrier to their development or improvement. The proposed rezoning will facilitate the preservation and improvement of the subject area's existing single and two-family residential properties, consistent with the General Plan, and will discourage the establishment of new uses that would be incompatible with this residential neighborhood.

As a result of the proposed rezoning, any parcels legally developed with industrial, commercial or high density residential uses would become legal nonconforming and would be allowed to remain. The expansion or change of any legal nonconforming uses would be subject to the provisions of Title 20 of the Municipal Code. New development proposed in the subject area would have to conform to the R-2 Two Family Residential Zoning designation.

It should be noted that the subject area is not only within the *Delmas Park Neighborhood Improvement Plan* area but also the Diridon/Arena Strategic Development Plan, prepared by the San Jose Redevelopment Agency. While both plans recommend preservation of the existing residential uses in the subject area, both Plans also envision significantly higher intensity development adjacent to and near the subject area; higher density residential and mixed uses are envisioned along Park Avenue and north of San Fernando Street. Any future high density/intensity redevelopment occurring adjacent to the subject site will need to be sensitively designed to ensure compatibility with existing residential properties in the subject area.

PUBLIC OUTREACH

The property owners and occupants within a 500-foot radius received a notice of the public hearings to be held on the subject amendment before the Planning Commission on May 12 and City Council on June 1, 2004. In addition, the Department's web-site contains information regarding the zoning process, this zoning application on file, staff reports, and hearing schedule. This site is used by the community to keep informed of the status of development applications. Staff has also made itself available to discuss the subject project on an individual meeting-basis with property owners and other members of the public.

Property Owners Meeting

A meeting for property owners within the subject site was held on March 25, 2004. This property owners' meeting addressed both this proposed rezoning as well as C04-020, the other proposed rezoning in Delmas Park. Nine property owners were in attendance, including both owner occupants and absentee landlords. While a number of the participants verbally expressed support for the proposed rezonings, two participants were vocally opposed because they were concerned that rezoning their properties from LI to R-2 districts would reduce the value and the flexibility of using and/or redeveloping their properties. It should be noted however, that these two individuals owned property in the site area for C04-020 and not in this subject area. Planning staff addressed all of the questions and responded to all concerns brought up during the meeting.

SNI Outreach

The proposed rezoning was discussed with the Delmas Park Neighborhood Advisory Committee (NAC) and other community members at their regular monthly meetings on February 3, March 2, April 6 and May 4, 2004. The Delmas Park NAC is in full support of the proposed rezoning.

RECOMMENDATION

Planning staff recommends the City Council adopt an ordinance rezoning the site from LI Light Industrial Zoning District to R-2 Two Family Residential Zoning District for the following reasons:

1. The proposed rezoning is consistent with the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC).

2. The proposed rezoning is consistent with the *Delmas Park Neighborhood Improvement Plan* and implements the *Plan's* "Top Ten" Priority Action Item #3.
3. The proposed rezoning will help to preserve and encourage the improvement of the existing residential homes in the subject area and will discourage redevelopment that is inconsistent with the existing single family character of the subject area.

Attachments

Rezoning Map

Land Use Diagram

General Plan Diagram

Public Works Department Memorandum

Airport Department Memorandum

Fire Department Memorandum

Santa Clara Valley Water District Memorandum

Delmas Park Q & A Sheet

Delmas Park NAC Memo

PS:ll/207-02